

MINUTES
MANSFIELD INLAND WETLANDS AGENCY
Regular Meeting
Monday July 6, 2015
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin, B. Chandy, R. Hall (7:04), G. Lewis, P. Plante, K. Rawn, B. Ryan, V. Ward
Members absent: B. Pociask,
Alternates present: P. Aho, K. Holt
Alternates absent: S. Westa
Staff present: Jennifer Kaufman, Inland Wetlands Agent

Chairman Goodwin called the meeting to order at 7:00 p.m. and appointed Holt to act for Pociask. Aho was appointed to act until Hall arrived at 7:04 p.m.

Goodwin noted that the Commission will address Old Business items prior to the Public Hearing, so as to allow those in attendance for Old Business to leave prior to the start of what is expected to be a lengthy Public Hearing.

Approval of Minutes:

June 1, 2015 Regular Meeting: Plante MOVED, Ryan seconded, to approve the 6-1-15 meeting minutes as presented. MOTION PASSED UNANIMOUSLY. Chandy noted for the record that she listened to the recording.

June 10, 2015 Field Trip: Ryan MOVED, Ward seconded, to approve the 6-10-15 Field Trip Minutes as presented. MOTION PASSED with Goodwin, Ryan, Ward and Aho in favor and all others disqualified.

Inland Wetlands Agent's Monthly Business Report:

Handouts were distributed to members re recent court cases as presented at the 2015 Municipal Inland Wetlands Agency Training Program held on 7/1/2015 and sponsored by CT DEEP. Agent Kaufman asked the Agency if it was their desire to recommend that the Town Council consider establishing an ordinance creating fines for violation of the Inland Wetlands and Watercourses Regulations, pursuant to Section 22a-42 of the CT General Statutes. Members were in agreement that the staff should start working with the Agency on the issue, drafting a suggested schedule of fines to send to the Council for their consideration.

Communications:

The Conservation Commission Minutes were noted.

Old Business:

W1548 - C. & L. Niarhakos, 101 East Rd, Re-Subdivision Application

Tabled until the Public Hearing is closed.

W1549 – Jensen's Rolling Hills Mobile Park, Middle Turnpike-Site Restoration

Ward MOVED, Hall seconded, to grant an Inland Wetlands License pursuant to the Wetlands and Watercourses Regulations of the Town of Mansfield to Jensen's, Inc. (File #W1549) for Site Restoration on property owned by the applicants and located at Jensen's Rolling Hills Mobile Home Park, Middle Turnpike as shown on plans dated 4/14/2015 and as described in application submissions.

This action is based on a finding that this will adequately restore and prevent further adverse impact to the wetlands, and is conditioned on the following provisions being met:

1. Appropriate erosion and sedimentation controls shall be in place prior to construction, maintained during construction and removed when disturbed areas are completely stabilized;
2. Grass along the disturbed slope will continue to be monitored to ensure that vegetation reestablishes to stabilize the slope;
3. To further stabilize the area on the slope that lacks vegetation, erosion mat will be installed and the area will be over seeded with a native grass mix;
4. All wood at the top left side of the slope area will be removed; and
5. Concrete barriers will be installed at least 15-feet away from the top of the slope to prevent debris from being pushed into the wetlands in the future.

This approval is valid for five years (until July 6, 2020) unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins and all work shall be completed within one year. Any extension of the activity period shall come before this Agency for further review and comment. MOTION PASSED UNANIMOUSLY.

W1550 – W. St. Martin, 601 Storrs Road-Pond Clean Out

Holt disqualified herself and Chairman Goodwin appointed Aho to act in her place.

Ryan MOVED, Chandy seconded, to grant an Inland Wetlands License pursuant to the Inland Wetlands and Watercourses Regulations of the Town of Mansfield to William St. Martin (File #W1550) for dredging an existing pond on property owned by the applicant and located at 601 Storrs Road as shown on plans dated 5/24/2015, revised through 6/14/2015 and as described in application submissions.

This action is based on a finding of no anticipated significant impact on the wetlands, and is conditioned on the following provisions being met:

1. Appropriate erosion and sedimentation controls shall be in place prior to construction, maintained during construction and removed when disturbed areas are completely stabilized; and
2. All conditions outlined in the CT DEEP Natural Diversity Database Review are followed.

This approval is valid for five years (until July 6, 2020) unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins and all work shall be completed within one year and is contingent upon all other state and federal permit requirements being met. Any extension of the activity period shall come before this Agency for further review and comment. MOTION PASSED with all in favor except Holt who was disqualified.

W1551 – M. McDonald, 93 Candide Lane-Above Ground Pool

Rawn MOVED, Holt seconded, to grant an Inland Wetlands License pursuant to the Wetlands and Watercourses Regulations of the Town of Mansfield to Mark MacDonald (File #W1551) for above ground pool on property owned by the applicants and located at 93 Candide Lane as shown on plans dated 5/14/2015 and 5/27/2015 and as described in application submissions.

This action is based on a finding of no anticipated significant impact on the wetlands, and is conditioned on the following provisions being met:

1. Appropriate erosion and sedimentation controls shall be in place prior to construction, maintained during construction and removed when disturbed areas are completely stabilized;
2. The silt fence currently installed down gradient of the pool construction site shall remain until the site is completely stabilized;
3. All material shall be stockpiled at least 50 feet from the edge of wetlands and surrounded by silt fence until it is either removed from the site or distributed at least 50 feet from the edge of wetlands; and
4. All pool filter back wash shall be contained and not discharged directly to the wetlands.

This approval is valid for five years (until July 6, 2020) unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins and all work shall be completed within one year. Any extension of the activity period shall come before this Agency for further review and comment. MOTION PASSED UNANIMOUSLY.

W1552 – L. and L. Wasiele, 357 Gurleyville Road-Addition

Chandy MOVED, Holt seconded, to grant an Inland Wetlands License pursuant to the Wetlands and Watercourses Regulations of the Town of Mansfield to Larry and Laurie Wasiele (File #W1552) for a one-bedroom addition on property owned by the applicants and located at 357 Gurleyville Road, as shown on plans dated 5/14/2015 and as described in application submissions.

This action is based on a finding of no anticipated significant impact on the wetlands, and is conditioned on the following provisions being met:

1. Appropriate erosion and sedimentation controls shall be in place prior to construction, maintained during construction and removed when disturbed areas are completely stabilized;
2. Silt fence shall be installed 10 feet from the edge of wetlands and shall remain until the site is completely stabilized;
3. All fill shall be removed from the site immediately or stockpiled at least 50 feet from the edge of wetlands and surrounded by silt fence to prevent sedimentation of the wetlands; and
4. Should a septic system need to be installed within the upland review area or should the addition need to be moved closer to the edge of wetlands to meet the CT Public Health Code, the owners will need to file a new application for an inland wetlands license prior to beginning construction.

This approval is valid for five years (until July 6, 2020) unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins and all work shall be completed within one year. Any extension of the activity period shall come before this Agency for further review and comment. MOTION PASSED UNANIMOUSLY.

Public Hearing:

W1548 - C. & L. Niarhakos, 101 East Rd, Re-Subdivision Application

Chairman Goodwin opened the continued Public Hearing at 7:17 p.m. Members present were Goodwin, Chandy, Hall, Lewis, Plante, Rawn, Ryan, Ward and alternates Aho and Holt. Holt was appointed to act.

Wetlands Agent Kaufman noted the following communications received and distributed to members: a 6-21-15 set of revised plans from the applicant; a 6-24-15 report from Gerald Hardisty, Civil Engineering Services, representing the applicant; a 7-1-15 memo from Jennifer Kaufman, Wetlands Agent; and a 7-6-15 memo from Derek Dilaj, Assistant Town Engineer.

Acting on behalf of the applicants Christopher and Lindsey Niarhakos, were the following: Edward Pelletier, Land Surveyor, Datum Engineering and Surveying; John Ianni, Soil Scientist, Highland Soils; and Gerald Hardisty, Engineer, Civil Engineering Services.

Edward Pelletier reviewed the proposal. He reported the project will divide the 14 acre +/- parcel into three lots, one of which presently contains a single family residence. He contends no activity will occur in the wetlands. He discussed proposed mitigation measures to address the neighbor's concerns regarding surface water runoff, i.e., by installing ground water re-charge basins to alleviate the surface water runoff. He noted that he reviewed the report from Derek Dilaj, Assistant Town Engineer, and agrees to increase the frequency in maintenance of the outlets.

John Ianni reviewed the site's soil and vegetative characteristics and stated that there is no defined watercourse on the property, nor would the wetlands on this parcel be classified as a wildlife habitat wetlands. He discussed his findings at the site that lead to his conclusion that the proposed development will not generate enough surface flow to significantly impact the wetlands or the neighbor's property.

Gerald Hardisty reviewed the specifics of the mitigation measures that are proposed and stated that there will be no adverse impact to the neighbor's property or the wetlands as a result of run-off from this project.

Attorney Caleb F. Hamel, Branse & Willis, LLC, represents the neighboring property owners, Mr. and Mrs. Harper who are opposed to the proposal. Attorney Hamel submitted a Verified Notice of Intervention and a binder of materials for inclusion in the public record. Attorney Hamel introduced his team: Donald Aubrey, Engineer, Towne Engineering; and Martin Brogie, Soil Scientist, GEI Consultants, Inc.

Donald Aubrey spoke at length about the impact the existing run-off from onsite and neighboring UCONN property has on his client's lot. He averred that the Niarhakos proposal has not taken into consideration the impacts of the run off from the adjacent UCONN land. He submitted as exhibits, photographs he purports illustrate the problems the Harpers are experiencing due to run-off.

Martin Brogie discussed his findings from site visits, reviewed the soils he contends are present onsite and the areas of wetlands on and off the subject parcel. He stated that the applicant's representatives are not taking into consideration the off-site wetlands and water coming onto the subject site and the Harpers' site. He also contended that the project was aggressive; that the stormwater detention basins will not be sufficient to filter the runoff and that there will be significant impact to the wetlands, particularly downstream of the subject property.

John Ianni offered in rebuttal that the opposition did not provide any evidence that there would be a significant impact on the wetlands from the development of this property. He also disagreed as to the soil type on the site as identified by Mr. Brogie.

The Chair inquired as to why the soil type could not be identified as both parties contended they used the USDA maps as reference.

Attorney Hamel and the Agency requested that the hearing be kept open, but staff reported that given the statutory time limitations, the hearing could only remain open with the applicant's consent to an extension. Chairman Goodwin asked the applicant if they would grant an extension of time. After discussion amongst themselves, Mr. Pelletier reported that his clients declined to grant an extension of time.

Goodwin noted there were no additional comments from the Agency or the Public. At 8:49 p.m. Plante MOVED, Holt seconded, to close the Public Hearing. MOTION PASSED UNANIMOUSLY.

Old Business Continued:

W1548 - C. & L. Niarhakos, 101 East Rd, Re-Subdivision Application

Members stated that they would like to defer discussion of this application to the August meeting so as to give them time to review the materials submitted this evening. Additionally, the staff will review whether or to what extent the Assistant Town Engineer may comment on the newly submitted materials now that the Public Hearing is closed. Item was tabled for discussion at the next meeting.

New Business:

W1553 – I. and E. Hanka, 225 Mulberry Rd,-Above Ground Pool

Ryan MOVED, Hall seconded, to receive the application submitted by Ingrid and Erik Hanka/Sabrina Pools (IWA File #W1553) under the Wetlands and Watercourses Regulations of the Town of Mansfield for an above-ground pool on property located at 225 Mulberry Rd as shown on a map dated 6/15/2015 and as described in application submissions, and to refer said application to staff and the Conservation Commission for review and comments. MOTION PASSED UNANIMOUSLY.

W1554- Storrs Friends Meeting, 57 Hunting Lodge Rd, - Site Improvements

Ryan MOVED, Holt seconded, to receive the application submitted by Storrs Friends Meeting (IWA File #1554) under the Wetlands and Watercourses Regulations of the Town of Mansfield for parking and storm water improvements on property located at 57 Hunting Lodge Rd as shown on a map dated 5/4/2015 and as described in application submissions, and to refer said application to staff and the Conservation Commission for review and comments. MOTION PASSED UNANIMOUSLY.

Reports from Officers and Committees:

No reports were offered.

Other Communications and Bills:

Noted.

Adjournment:

Chairman Goodwin set a Field Trip for 7/15/15 at 3:00 p.m. and declared the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Vera S. Ward, Secretary